

A U S T I N C I T Y C O U N C I L  
**AGENDA**

Thursday, August 31, 2006

+ Back Print

**Zoning Ordinances / Restrictive Covenants  
(HEARINGS CLOSED)  
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 53**

**Subject:** C14-06-0080 – San Jose Lofts – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 108 W. Gibson Street (East Bouldin Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading approved on August 24, 2006. Vote : 6-0 (Council Member Kim off the dais). Applicant: Southside Church of Christ. Agent: Armbrust & Brown (Amanda Morrow). City Staff: Robert Heil, 974-2330.

**Additional Backup Material**

(click to open)

- ☐ Staff Report
- ☐ Ordinance

**For More Information:**

## SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0080 – San Jose Lofts

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 108 W. Gibson Street (East Bouldin Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning.

DEPARTMENT COMMENTS:

The property is currently zoned MF-4-NP and is the site of a church. The intent of the applicant is to redevelop the site with roughly 85 residential condominium units with some associated commercial uses. Some off-site parking may be provided at this site for specific addresses on S. Congress Avenue. The neighborhood supports the rezoning request.

OWNER: Southside Church of Christ

AGENT: Ambrust and Brown (Amanda Morrow)

DATE OF FIRST READING: August 24<sup>th</sup>: Approved staff's recommendation of CS-MU-CO-NP on first reading (7-0).

PLANNING COMMISSION ACTION: May 23 2006: Approved staff's recommendation of CS-MU-CO-NP on consent 8-0.

CITY COUNCIL ACTION: August 31, 2006

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 108 WEST GIBSON STREET IN THE BOULDIN CREEK NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-NEIGHBORHOOD PLAN (MF-4-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district on the property described in Zoning Case No. C14-06-0080, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 28-32, Nora Eck Resubdivision, west portion of Block 13 and Block 2A, Swisher Addition, an addition in the City of Austin, plus the vacated alley out of the Newning Resubdivision of Block 13, and 2A, as shown on a plat of record in Volume 3, Page 228, Travis County Plat Records (the "Property"),

locally known as 108 West Gibson Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** Except as specifically provided in Part 3 and Part 4, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

**PART 3.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 1,400 trips per day.

- 1 2. A commercial use may not exceed 4,000 square feet of gross building coverage. A  
3 parking structure is not included in the calculation of building coverage.  
4 3. A personal improvement service use and a personal services use are not permitted in  
5 the area beyond 100 feet of the east property line.  
6  
7 4. On-site surface parking is prohibited. Parking requirements for the Property must be  
8 satisfied by a parking structure only.  
9  
10 5. The following uses are prohibited uses of the Property:

11  
12 Bed and breakfast residential (Group 1)

13 Duplex residential

14 Multifamily residential

15 Automotive rentals

16 Automotive repair services

17 Automotive washing (of any type)

18 Building maintenance services

19 Business support services

20 Commercial blood plasma center

21 Communication services

22 Consumer convenience services

23 Convenience storage

24 Electronic prototype assembly

25 Exterminating services

26 Food preparation

27 Funeral services

28 General retail sales (general)

29 Indoor sports and recreation

30 Laundry services

31 Medical offices (not exceeding 5000 sq.ft.  
32 of gross floor area)

33 Outdoor entertainment

34 Pawnshop services

35 Printing and publishing

36 Restaurant (general)

37 Service station

38 Vehicle storage

39 Custom manufacturing

Club or lodge

Bed and breakfast residential (Group 2)

Mobile home residential

Agricultural sales and services

Telecommunication services

Automotive sales

Bail bond services

Business or trade school

Campground

Commercial off-street parking

Construction sales and services

Consumer repair services

Drop-off recycling collection facilities

Equipment sales

Financial services

Food sales

General retail sales (convenience)

Indoor entertainment

Kennels

Medical offices (exceeding 5000 sq.ft.  
of gross floor area)

Monument retail sales

Outdoor sports and recreation

Plant nursery

Research services

Restaurant (limited)

Theater

Veterinary services

Limited warehousing and distribution

College and university facilities

1 Communication services facilities  
2 Community recreation (public)  
3 Congregate living  
4 Day care services (commercial)  
5 Day care services (limited)  
6 Hospital services (general)  
7 Maintenance and service facilities  
8 Private secondary educational facilities  
9 Public secondary education facilities

Community events  
Community recreation (private)  
Cultural services  
Day care services (general)  
Guidance services  
Hospital services (limited)  
Private primary educational facilities  
Public primary educational facilities  
Safety services

10  
11 6. Development of the Property shall comply with the following regulations.

- 12  
13 a. The maximum building coverage is 60 percent.  
14  
15 b. The maximum impervious cover is 75 percent.  
16  
17 c. The maximum height is 50 feet from ground level.  
18  
19 d. The maximum floor-to-area ratio is 1.25 to 1.0.  
20

21 **PART 4.** The Property is subject to Ordinance No. 020523-33 that established the Bouldin  
22 Creek neighborhood plan combining district.

23  
24 **PART 5.** This ordinance takes effect on \_\_\_\_\_, 2006.

25  
26  
27 **PASSED AND APPROVED**

28  
29  
30  
31 \_\_\_\_\_, 2006

§  
§  
§

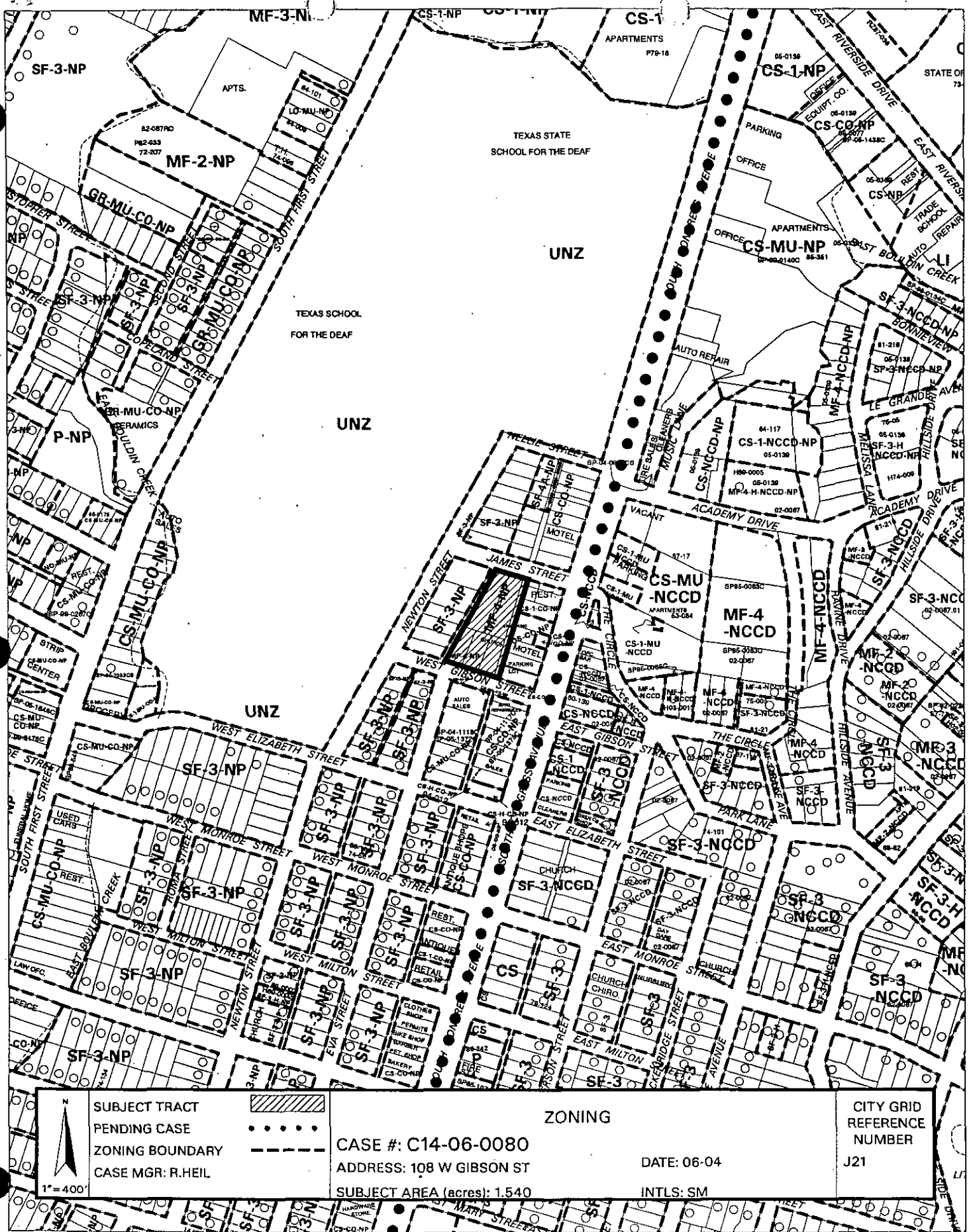
32  
33 Will Wynn  
Mayor



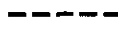
34  
35  
36 **APPROVED:**

37 David Allan Smith  
City Attorney

**ATTEST:**

38 Shirley A. Gentry  
City Clerk



SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: R. HEIL

CASE #: C14-06-0080  
 ADDRESS: 108 W GIBSON ST  
 SUBJECT AREA (acres): 1.540

ZONING  
 DATE: 06-04  
 INTLS: SM

CITY GRID  
 REFERENCE  
 NUMBER  
 J21

1" = 400'

**ZONING CHANGE REVIEW SHEET****CASE:** C14-06-0080 San Jose**PC. DATE:** May 23, 2006**ADDRESS:** 108 W. Gibson Street**OWNER/APPLICANT:** Southside Church of Christ**AGENT:** Ambrust and Brown (Amanda Morrow)**ZONING REQUEST:** From MF-4-NP to CS-MU-CO-NP**STAFF RECOMMENDATION:**

Staff recommends approval of CS-MU-CO-NP. The CO would reflect staff conditions as well as conditions agreed to by the neighborhood and applicant.

- Site Development Standards:
  - Limited to 1,400 unadjusted trips per day
  - Minimum Lot Width = 50'
  - Street side yard setback = 10'
  - Max. Building Coverage = 60%
  - Max. Impervious Cover = 75%
  - Max. Floor to Area Ratio = 1.25:1
  - Min. lot size = 5750 sq. ft.
  - Max. Height = 50 feet
  - Front yard setback = 10'
  - Interior Side Yard = None
  - Rear Yard = None
- The following uses would be permitted:
  - Administrative and Business Offices
  - Art Gallery
  - Art Workshop
  - Condominium Residential
  - Counseling Services
  - Family Homes
  - Group Home (Class I and II)
  - Hotel/Motel
  - Off-Site Accessory Parking
    - Off-site accessory parking shall only be provided for Lots 12 through 19, Block 13, Newning's Resubdivision of Blocks 13 and 2A, Swishers Addition.
    - On-site surface parking shall be prohibited.
  - Personal Improvement Services
  - Personal Services
    - Personal improvement service and personal service land uses shall only be allowed within 100 feet of the east property line.

- Professional Offices
- Religious Assembly
- Software Development
- Townhouse Residential
- Native vegetation, fencing , or another type of screening shall be constructed along the west property line.
- Non-residential development shall be limited to a total of 4,000 square feet of building(s) space, excluding the off-site parking.

**PLANNING COMMISSION RECOMMENDATION:**

**May 9, 2006:** Postponed to May 23 at the request of the staff.

**May 23, 2006:** *APPROVED STAFF'S RECOMMENDATION FOR CS-MU-CO-NP ZONING; BY CONSENT. [J.REDDY; K.JACKSON 2<sup>ND</sup>] (8-0) G.STEGEMAN – ABSENT*

**DEPARTMENT COMMENTS:**

The property is currently zoned MF-4-NP and is the site of a church. The intent of the applicant is to redevelop the site with roughly 85 residential condominium units with some associated commercial uses. Some off-site parking may be provided at this site for specific addresses on S. Congress Avenue (San Jose Hotel, Jo's Coffee Shop, and one empty lot).

Staff recommends approval of CS-MU-CO-NP, with the conditions listed above. The request is in accord with the neighborhood plan, and the proposed conditional overlay reflects the recommendations of the staff's neighborhood traffic analysis, and the positive results of negotiations between the applicant and neighborhood association.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-4-NP	Church
<i>North</i>	SF-3-NP and CS-CO-NP	Single Family homes and commercial uses
<i>South</i>	CS-CO-NP	Auto Sales and other commercial Uses
<i>East</i>	CS-CO-NP, CS-1-CO-NP	Hotel, Coffee Shop, and other commercial uses
<i>West</i>	SF-3-NP	Single Family homes

**AREA STUDY:** The site falls within the Bouldin Neighborhood Plan which calls for mixed-use on the property. No plan amendment is required.

**TIA:** Not Required

**WATERSHED:** East Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No **HILL COUNTRY ROADWAY:** No



**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- Terrell Lane Interceptor Association
- Galindo Elementary Neighborhood Association
- South Central Coalition
- Austin Neighborhoods Council
- Bouldin Creek Neighborhood Association
- SoCo South First Street
- Bouldin Creek Neighborhood Planning Team
- Bouldin Forward Thinking

**SCHOOLS: (AISD)**

- Becker Elementary School
- Fulmore Middle School
- Travis High School

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Gibson Street	70'	30'	Collector	No	No	Yes
James Street	60'	30'	Collector	No	No	No

**CITY COUNCIL DATE: ACTION:**

**July 27, 2006:** Postponed to August 9, 2006 at the request of the applicant.

**August 9, 2006:** Postponed to August 24 at the request of staff due

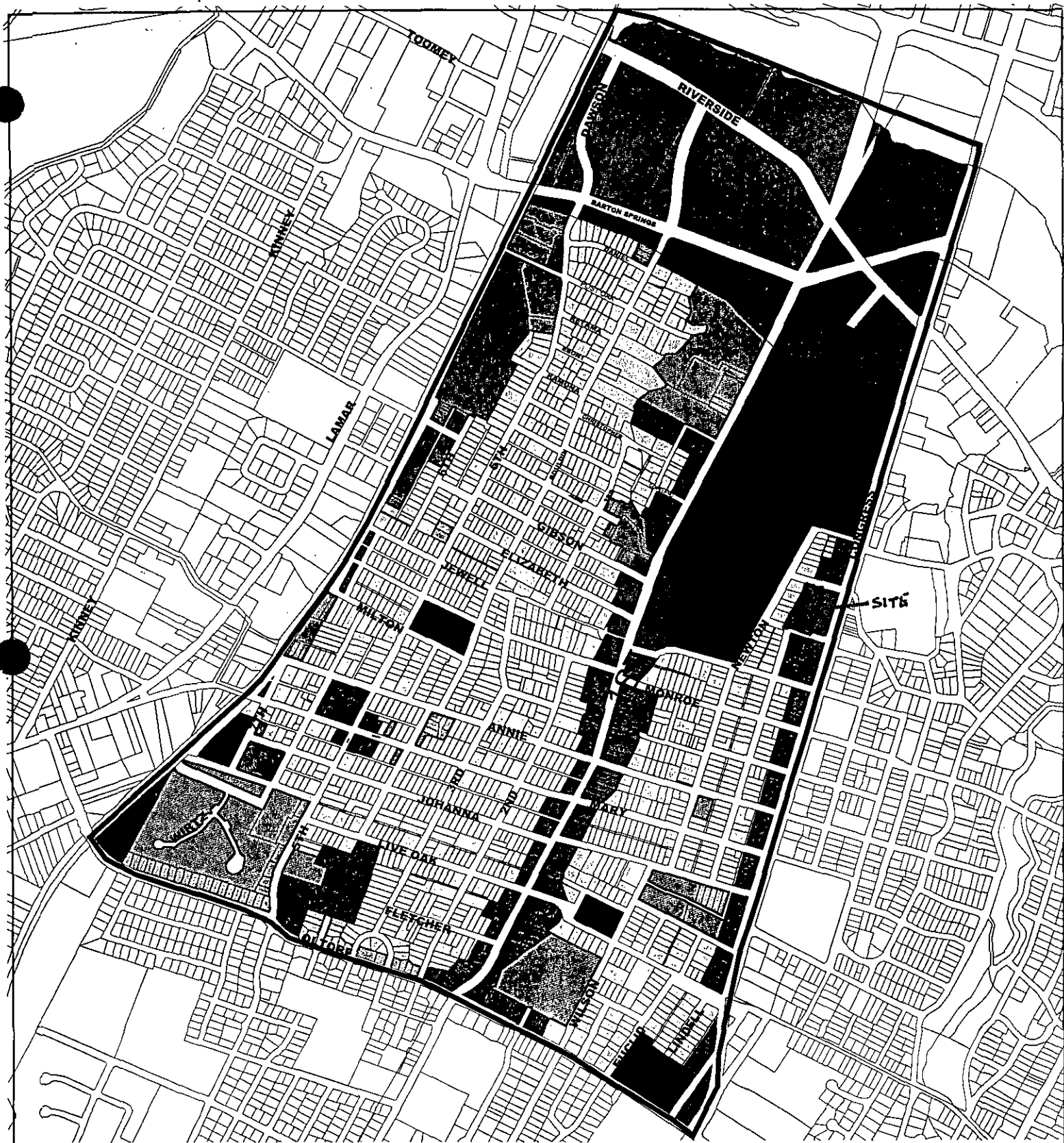
**August 24, 2006:**

**ORDINANCE READINGS:** 1<sup>st</sup>: 2nd 3rd

**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

**PHONE:** 974-2330



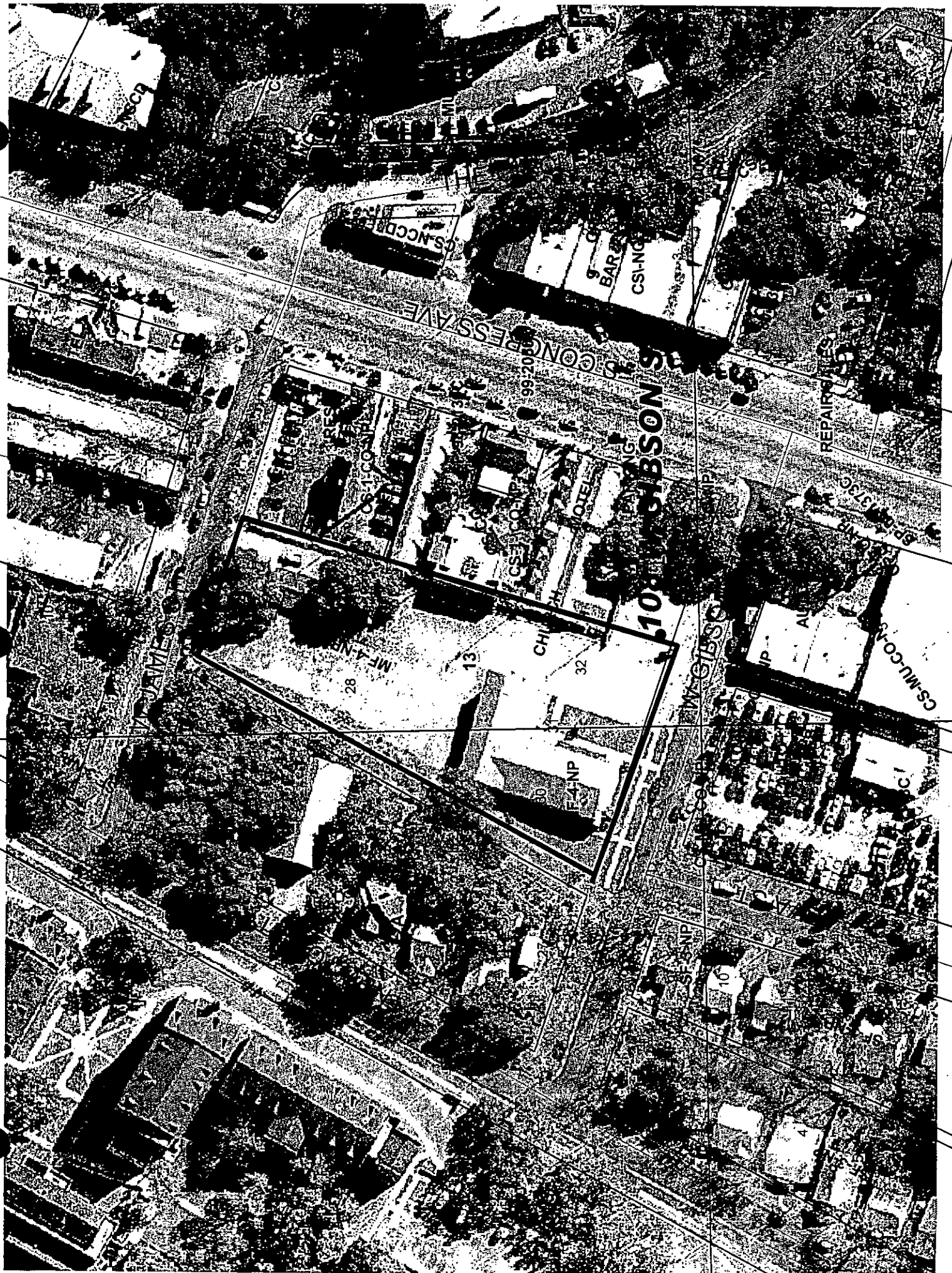
## Bouldin Creek Neighborhood Planning Area Future Land Use Map

Neighborhood Planning and  
Zoning Department  
March 2002

A comprehensive plan shall not  
constitute zoning regulations or  
establish district boundaries.

- |  |                                 |  |            |
|--|---------------------------------|--|------------|
|  | Single-Family                   |  | Mixed Use  |
|  | Higher-Density<br>Single-Family |  | Civic      |
|  | Multifamily                     |  | Open Space |
|  | Commercial                      |  |            |





### **SUMMARY STAFF RECOMMENDATION**

Staff recommends approval of CS-MU-CO-NP. The CO would reflect staff conditions as well as conditions agreed to by the neighborhood and applicant.

- Site Development Standards:
  - Limited to 1,400 unadjusted trips per day
  - Minimum Lot Width = 50'
  - Street side yard setback = 10'
  - Max. Building Coverage = 60%
  - Max. Impervious Cover = 75%
  - Max. Floor to Area Ratio = 1.25:1
  - Min. lot size = 5750 sq. ft.
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- The following uses would be permitted:
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  - Group Home (Class I and II)
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  - Off-Site Accessory Parking
    - Off-site accessory parking shall only be provided for Lots 12 through 19, Block 13, Newning's Resubdivision of Blocks 13 and 2A, Swishers Addition.
    - On-site surface parking shall be prohibited.
  - Personal Improvement Services
  - Personal Services
    - Personal improvement service and personal service land uses shall only be allowed within 100 feet of the east property line.
  - Professional Offices
  - Software Development
  - Townhouse Residential
- Native vegetation, fencing, or another type of screening shall be constructed along the west property line.
- Non-residential development shall be limited to a total of 4,000 square feet of building(s) space, excluding the off-site parking.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The change from MF-4-NP to CS-MU-CO-NP is a compatible change that will allow for a modest, appropriate level of mixed use infill.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The 1.54-acre tract proposes condominium and retail uses. The site is located in south Austin one block west of South Congress on Gibson Street, with frontage also on James Street. The project, which is currently zoned Multi Family Neighborhood Plan (MF-4-NP), is requesting a change to Commercial Services Mixed Use Conditional Overlay Neighborhood Plan (CS-MU-CO-NP). The tract will have vehicular access to James Street and Gibson Street. Surrounding the tract to the north is James Street, to the west is single family, to the east is a motel and restaurant and Gibson Street creates the southern border.

### **Environmental**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, the site is developed with a building, driveways and a parking lot. Aside from existing trees, there are no significant environmental features on the site.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 8,221 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The applicant proposes to construct 4,000sf of retail and up to 85 condominiums which will generate approximately 1,397 trips per day.

**A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114.**

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Capital Metro bus service is available along South Congress Avenue.

**Existing Street Characteristics:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Gibson Street	70'	30'	Collector	No	No	Yes
James Street	60'	30'	Collector	No	No	No

**Water and Wastewater**

The site is currently served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin design criteria. The utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

**Site Plan**

The site is subject to compatibility standards. Along the west property line, the following standards apply:

No structure may be built within 25 feet of the SF-3 zoned property line.

· No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

· No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

· No parking or driveways are allowed within 25 feet of the property line.

· In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.



## MEMORANDUM

**TO:** Robert Heil, Case Manager  
**CC:** Amanda Morrow, Armbrust and Brown  
**FROM:** Emily M. Barron, Senior Planner  
**DATE:** May 16, 2006  
**SUBJECT:** Neighborhood Traffic Analysis for James Street and Gibson Street  
Zoning Case: San Jose Lofts C14-06-0080

The Transportation Section has performed a neighborhood traffic impact analysis for the above referenced case and offers the following comments.

The 1.54-acre tract proposes condominium and retail uses. The site is located in south Austin one block west of South Congress on Gibson Street, with frontage also on James Street. The project, which is currently zoned Multi Family Neighborhood Plan (MF-4-NP), is requesting a change to Commercial Services Mixed Use Conditional Overlay Neighborhood Plan (CS-MU-CO-NP). The tract will have vehicular access to James Street and Gibson Street. Surrounding the tract to the north is James Street, to the west is single family, to the east is a motel and restaurant and Gibson Street creates the southern border.

### Roadways

James Street is classified as a neighborhood collector with 60' of right-of-way and 30' of pavement. This roadway carries approximately 487 vehicles per day (vpd).

Gibson Street is classified as a neighborhood collector with 70' of right-of-way and 30' of pavement. This roadway carries approximately 299 vehicles per day (vpd).

### Trip Generation and Traffic Analysis

Based on the ITE's publication Trip Generation, the proposed development at the time of site plan will generate approximately 1,397 vehicles per day (vpd).

Trip Generation		
LAND USE	SIZE	Trips Per Day
Retail	4,000sf	838
Condominiums	85du	559
<b>TOTAL</b>		<b>1,397</b>



Distribution of trips was estimated as follows:

Street	Site Traffic
James Street	60%
Gibson Street	40%

Below is a table containing the estimated number of trips that will affect each street:

Street	Existing Traffic (vpd)	Site Traffic (vpd)	Total Traffic after Project (vpd)
James Street	487	838	1,325
Gibson Street	299	559	858

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows: A residential local or collector street with a pavement width of 30' or greater should carry 1,800 vehicles per day or less.

### **Conclusions**

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation. James Street and Gibson Street are both classified as residential collector roadways.
2. The traffic along James Street and Gibson Street does not exceed the requirements established in Section 25-6-116.
3. This site should be limited through a conditional overlay to 1,400 unadjusted trips per day.
4. The City Council may approve a zoning application if it is determined that the applicant has satisfactorily mitigated adverse traffic effects or the projected additional traffic from a project has an insignificant effect on the residential street.

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If you have any questions or require additional information, please contact me 974-2788.

Emily M. Barron  
Sr. Planner ~ Transportation Review  
Watershed Protection and Development Review Department